



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017-6702

19 MAR 2007

In re Application of
Aebi et al.
Application No.: 10/539,660
PCT No.: PCT/CH02/00705
Int. Filing Date: 17 December 2002
Priority Date: None
Attorney Docket No.: LUS-16090
For: Intervertebral Implants With Tiltable Joint Parts

DECISION
ON
PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 18 January 2007.

DISCUSSION

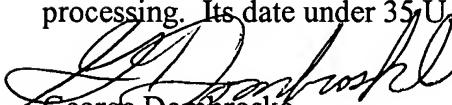
In a Decision mailed on 22 November 2006, the petition under 37 CFR 1.47(a) filed on 14 September 2006 was dismissed without prejudice because petitioner had not adequately demonstrated that Mr. Aebi had been presented with a complete copy of the application papers, and had not provided Mr. Aebi's last known address.

In response, petitioner has provided a declaration executed by Mr. Aebi. This declaration, taken with the declaration filed on 14 September 2006, is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). Therefore, the petition under 37 CFR 1.47(a) is dismissed as moot.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **18 January 2007**.


George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459